

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4507-04
Bill No.: SCS for HCS for HB 1759
Subject: Courts; Judges
Type: Original
Date: May 2, 2016

Bill Summary: This proposal adds a circuit court judge to the 26th Judicial Circuit and authorizes an additional circuit judge in certain circuits when indicated by a judicial performance report.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
General Revenue	(\$3,213,161)	(\$4,873,725)	(\$5,566,810)	(\$5,910,033)
Total Estimated Net Effect on General Revenue	(\$3,213,161)	(\$4,873,725)	(\$5,566,810)	(\$5,910,033)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
General Revenue	22 FTE	28 FTE	32 FTE	34 FTE
Total Estimated Net Effect on FTE	22 FTE	28 FTE	32 FTE	34 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 478.330

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation, pursuant to section 477.405, indicates for three consecutive calendar years the need for two or more full-time judicial positions in any judicial circuit there shall be one additional circuit judge position authorized in such circuit, subject to appropriations made for that purpose. There will be ten circuits which will qualify for a new circuit judge in FY17. They are the 7th (Clay County), 11th (St. Charles County), 16th (Jackson County), 19th (Cole County), 21st (St. Louis County), 25th (Maries, Phelps, Pulaski and Texas Counties), 31st (Greene County), 36th (Butler and Ripley Counties), 39th (Barry, Lawrence and Stone Counties) and 40th (McDonald and Newton Counties).

For a circuit judge, the cost is as follows:

Circuit Court Judge:	\$148,263 per year, plus fringes of \$111,365
Court Reporter:	\$ 57,178 per year, plus fringes of \$29,733
Computer Cost	\$ 1,110 on-going per year
Total Annual Cost	\$206,551 per year, plus fringes of \$141,098 equals \$347,649
Computer Cost	\$3,323 one-time

The total annual cost for the 10 circuits for 20 FTE would be \$3,476,490 (\$347,649 * 10) except for FY 17 which would be \$2,921,055 because of the one time computer cost and 10 months of salary/fringe.

In addition, in FY18, there would be three circuits which will qualify for a new circuit judge. They are the 11th, 21st and 31st. The cost for the additional three circuit judges and three court reporters would be \$1,049,586 for FY 18 and \$1,042,947 for FY 19 forward.

In FY19, there would be two circuits which will qualify for a new circuit judge. They are the 21st and 31st. The cost for the additional two circuit judges and two court reporters would be \$699,724 in FY 19 and \$695,298 in FY 20 forward.

In FY 20, 21 and 22, there will be one circuit which will qualify for a new circuit judge. It is the 21st. The cost for the additional circuit judge and court reporter would be \$349,862 in FY 20 and \$347,649 in FYs 21 and 22.

ASSUMPTION (continued)

Although the 38th Circuit (Christian and Taney Counties) currently would qualify for a new circuit judge under the proposed legislation, they have not been included in the above numbers. The current statutes adds one new circuit judge to the 38th Circuit starting in January 1, 2017. Also the 38th Circuit will be divided into two new circuits starting in January 1, 2017 which could alleviate additional circuit judges in the 38th circuit. However, it is possible that there could be the addition of an additional circuit judge in FY 17 and FY18 for the 38th circuit.

Oversight assumes TAFP SCS for SB 585 was passed by both chambers and signed by the Governor this year and had an emergency clause which makes the legislation effective currently. That legislation divides the 38th Judicial Circuit and creates a new 46th Judicial Circuit in Taney County. Therefore, Oversight will assume any additional cost associated with these two circuits will be \$0 until it is determined by the Judicial Weighted Workload analysis if these two circuits will need additional judges and court reporters.

Section 478.705

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation adds a circuit judge to the 26th judicial circuit. There will be three circuit judges in the twenty-sixth judicial circuit who shall sit in divisions numbered one, two and three. The governor shall appoint a judge for division three who serves until January 1, 2021. The circuit judge in division three shall be elected in 2020.

For a circuit judge, the cost is as follows:

Circuit Court Judge:	\$148,263 per year, plus fringes of \$111,365
Court Reporter:	\$ 57,178 per year, plus fringes of \$29,733
Computer Cost:	\$ 1,110 on-going per year
Total Annual Cost	\$206,551 per year, plus fringes of \$141,098
Computer Cost:	\$ 3,323 one time

The total annual cost for 2 FTE would be \$347,649 except for FY17 which would be \$292,106 because of the one time computer cost and 10 months of salary/fringe.

Bill as a whole

Officials at the **Office of the Governor** assume no fiscal impact from this proposal.

Officials at the St. Louis Circuit Court and Greene County did not respond to Oversight's request for fiscal impact.

ASSUMPTION (continued)

Oversight assumes according to section 478.073.1.(2), beginning in 2020, a judicial conference shall submit to the Secretary of the Senate a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the judicial circuits. Along with a statement of the numbers and boundaries of the proposed judicial circuits together with a map of the proposed judicial circuits, the circuit realignment plan shall include an analysis of the current judicial weighted workload model. Once submitted to both chambers, a circuit realignment plan shall become effective January first of the year following the session of the general assembly (1/1/2021) to which it is submitted, unless a bill realigning the judicial circuits is presented to the Governor and is duly enacted.

Therefore, Oversight assumes once the realignment plan is submitted in 2020, judicial positions may be realigned among the circuits, and Oversight will not reflect a fiscal impact for this bill past FY 2021.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2021)
GENERAL REVENUE				
<u>Costs</u> - OSCA - Additional judges in ten circuits (Section 478.330)	(\$2,921,055)	(\$4,526,076)	(\$5,219,161)	(\$5,562,384)
FTE Change - OSCA	20 FTE	26 FTE	30 FTE	32 FTE
<u>Costs</u> - OSCA - appointment of circuit judge in division three in the 26 th circuit (Section 478.705)	(\$292,106)	(\$347,649)	(\$347,649)	(\$347,649)
FTE Change - OSCA	2 FTE	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$3,213,161)</u>	<u>(\$4,873,725)</u>	<u>(\$5,566,810)</u>	<u>(\$5,910,033)</u>
Estimated Net FTE Change for Federal Funds	22 FTE	28 FTE	32 FTE	34 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2021)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

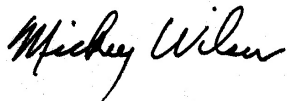
FISCAL DESCRIPTION

This proposal adds a circuit court judge to the 26th Judicial Circuit and authorizes an additional circuit judge in certain circuits when indicated by a judicial performance report.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the Governor



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Director
May 2, 2016

Ross Strobe
Assistant Director
May 2, 2016